

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5605 SB	<b>Title:</b> Lead in cookware
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## Estimated Cash Receipts

NONE

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Attorney General	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Health	.0	0	0	0	.0	0	0	0	.1	20,000	20,000	20,000
Department of Ecology	.7	0	0	174,159	2.4	0	0	579,538	2.9	0	0	703,319
Environmental and Land Use Hearings Office	.0	0	0	0	.2	59,513	59,513	59,513	.3	70,458	70,458	70,458
Total \$	0.7	0	0	174,159	2.6	59,513	59,513	639,051	3.3	90,458	90,458	793,777

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Environmental and Land Use Hearings Office	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Lisa Borkowski, OFM	<b>Phone:</b> (360) 742-2239	<b>Date Published:</b> Final 2/14/2023
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5605 SB	<b>Title:</b> Lead in cookware	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Greg Vogel	Phone: 360-786-7413	Date: 01/26/2023
Agency Preparation: Allyson Bazan	Phone: 360-586-3589	Date: 01/31/2023
Agency Approval: Joe Zawislak	Phone: 360-586-3003	Date: 01/31/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/01/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The Attorney General's Office (AGO) Ecology Division (ECY) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department of Ecology (Ecology). ECY estimates 0.01 Assistant Attorney General (AAG) FTE in FY 2025, FY 2026, FY2027, and FY 2028 to assist Ecology with enforcement of the restriction in Section 2 on distribution of cookware containing more than five parts-per-million of lead. ECY bases this assumption on its experience with similar laws, such as the bans on bisphenol-A in sports bottles and other containers, on heavy metals in packaging, and on mercury in various products. Ecology assumes rulemaking starting January 1, 2029 through June 30, 2031, and ECY estimates an additional 0.01 AAG FTE in FY 2030 for advice to Ecology on this rulemaking. Based on the above assumptions, new legal services are nominal and costs are not included in this request.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5605 SB	<b>Title:</b> Lead in cookware	<b>Agency:</b> 303-Department of Health
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.0	0.0	0.0	0.1
<b>Account</b>					
General Fund-State      001-1	0	0	0	0	20,000
<b>Total \$</b>	0	0	0	0	20,000

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Greg Vogel	Phone: 360-786-7413	Date: 01/26/2023
Agency Preparation: Katie Osete	Phone: 3602363000	Date: 01/30/2023
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 01/30/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 02/05/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Bans the sales of metal cookware and its components with more than 5 ppm lead by Jan 1, 2025. Department of Ecology, in consultation with DOH, may lower this limit by rule, if it is feasible and necessary to protect human health. Based on ECY's assumptions and timeline, rulemaking is assumed to be from Jan 1, 2029, through June 30, 2031. Rulemaking will be based on new technical work. DOH will consult with ECY to develop an evaluation to evaluate feasibility and necessity of a lower regulatory limit.

Note: No costs will be incurred till 2029

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Section 2: Bans the sales of metal cookware and its components with more than 5 ppm lead by Jan 1, 2025. Department of Ecology, in consultation with DOH, may lower this limit by rule, if it is feasible and necessary to protect human health. Based on ECY's assumptions and timeline, rulemaking is assumed to be from Jan 1, 2029, through June 30, 2031. Rulemaking will be based on new technical work. DOH will consult with ECY to develop an evaluation to evaluate feasibility and necessity of a lower regulatory limit.

DOH will need 0.1 FTE TOX3 in FY 29 and 0.2 FTE TOX3 in FY 30 and 31 who would:

- Evaluate the feasibility and necessity of lowering the regulatory limit below 5 ppm
- Develop and review rulemaking documents
- Present information to stakeholders

Sec.2 Total Cost

Fiscal Year (FY) 2029 \$20,000 and 0.10 FTE

Fiscal Year (FY) 2030 \$39,000 and 0.20 FTE

Fiscal Year (FY) 2031 \$39,000 and 0.20 FTE

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	0	0	0	20,000
<b>Total \$</b>			0	0	0	0	20,000

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					0.1
A-Salaries and Wages					11,000
B-Employee Benefits					4,000
E-Goods and Other Services					4,000
T-Intra-Agency Reimbursements					1,000
<b>Total \$</b>	0	0	0	0	20,000

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
TOXICOLOGIST 3	103,572					0.1
<b>Total FTEs</b>						0.1

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

None

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5605 SB	<b>Title:</b> Lead in cookware	<b>Agency:</b> 461-Department of Ecology
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	1.4	0.7	2.4	2.9
<b>Account</b>					
Model Toxics Control Operating Account-State 23P-1	0	174,159	174,159	579,538	703,319
<b>Total \$</b>	0	174,159	174,159	579,538	703,319

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Greg Vogel	Phone: 360-786-7413	Date: 01/26/2023
Agency Preparation: Vince Chavez	Phone: 360-338-5034	Date: 01/31/2023
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/31/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/31/2023



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

This bill would add a new chapter to Title 70A RCW to reduce lead levels used in cookware.

Section 2(1) would ban the manufacture, sale, and distribution of cookware or cookware component containing lead or lead compounds at a level of more than five parts per million (ppm) in this state beginning January 1, 2025.

Section 2(2) would allow Ecology, in consultation with the Department of Health (DOH), to lower the five ppm limit established in subsection (1) by rule if determined that a lower limit is feasible and necessary to protect human health.

Section 3(1) would authorize, but not require, Ecology to adopt rules as necessary to implement, administer, and enforce this chapter. It would also establish penalties for manufacturers who fail to comply with the requirements of the bill.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

No cash receipts are estimated for the penalty provisions under section 3.

Section 3(2) would establish a penalty for manufacturers who fail to comply with the requirements of the bill up to \$5,000 for a first offense and up to \$10,000 for a repeat offense. Section 3(3) would allow penalties to be appealed to the Pollution Control Hearings Board. Section 3(4) would require all penalties to be deposited into the Model Toxics Control Operating Account.

The penalty authority under this chapter is consistent with Ecology's authority to issue penalties for manufacturers in violation of chapter 70A.350 RCW. Enforcement actions and penalties are assumed to be limited, but unknown, and therefore are not estimated in this fiscal note.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

The expenditure impact to Ecology under this bill is estimated to be greater than \$50,000 in Fiscal Year (FY) 2025 and ongoing to implement the requirements of sections 2 and 3.

Section 2 – Public Outreach:

Section 2(1) would ban the manufacture, sale, and distribution of cookware or cookware component containing lead or lead compounds at a level of more than five ppm in this state beginning January 1, 2025.

Ecology assumes staff time would be required to conduct a six-month outreach campaign, beginning July 1, 2024, through December 31, 2024, to educate businesses about the new restrictions. Ecology estimates the need for 0.50 FTE Environmental Specialist 4 (ES4) in FY 2025 to coordinate and lead the campaign. (ES4: 0.50 FTE FY 2025). Also, Ecology estimates the need for 0.50 FTE Communications Consultant 3 (CC3) in FY 2025 to provide communications expertise and support to the campaign. (CC3: 0.50 FTE FY 2025).

Section 2(1) and 2(2) - Enforcement:

Ecology assumes enforcement would require determining if any companies are selling non-compliant products and ensure they stop selling those products. Enforcement would begin January 1, 2025. It is estimated that enforcement would require 0.50 FTE of an ES4 starting in FY 2026 to research products available for sale in Washington and evaluate compliance, receive, and respond to complaints about products being sold, and work with product testing staff in the Environmental Assessment Program. (ES4: 0.50 FTE FY 2026 and ongoing). Ecology assumes compliance efforts would need the technical support of a 0.25 FTE Chemist 3 starting in FY 2026. (Chem3: 0.25 FY 2026 and ongoing). Also, Ecology assumes the need for 0.10 FTE CC3 starting in FY 2026 to coordinate with enforcement staff to communicate with manufacturers and retailers about restrictions and develop appropriate outreach materials. (CC3: 0.10 FTE FY 2026 and ongoing).

Ecology assumes that testing efforts to support compliance and enforcement efforts would begin July 1, 2025 (FY 2026) and continue into ongoing biennia to ensure ongoing compliance efforts.

Section 2(2): Ecology assumes that Ecology would develop, in consultation with DOH, an evaluation process for the feasibility and necessity of a lower regulatory limit. Ecology assumes that the testing to support compliance and enforcement efforts in FY 2026 and FY2027 would also support this evaluation.

Ecology estimates 0.25 FTE Chemist 4 in FY 2025 and ongoing to do method development in order to inform the lowest detectable level of quantitation in various metal cookware and conduct analysis. Ecology also estimates 1.0 FTE of a Natural Resources Scientist 2 (NRS2) in FY 2026 and ongoing to develop studies to inform the evaluation of a lower regulatory limit and conduct compliance testing.

The Attorney General's Office (AGO) has estimated that nominal staff time (approximately 0.01 AAG FTE per year starting in FY 2025) would be needed to provide legal support for enforcement efforts. Therefore, the AGO estimated no additional costs for AAG assistance.

### Section 3 – Rulemaking:

Section 3 would authorize Ecology to adopt rules as necessary to implement, administer, and enforce this chapter.

Ecology assumes the bill language is sufficiently specific to implement the lead limit in the bill of 5 ppm without requiring a rule. However, Ecology assumes rulemaking would be necessary to adopt a lead limit of less than 5 ppm as authorized in section 2(2) if Ecology and DOH determine that a lower limit is feasible and necessary to protect human health. Rulemaking would be based on testing work described above. Ecology assumes that DOH would consult with Ecology to develop an evaluation in order to evaluate feasibility and necessity of a lower regulatory limit.

Ecology estimates that rulemaking would be highly complex because this bill would add a new chapter and new rules and generate substantial public interest and input. Ecology assumes that it would take two and a half years beginning January 1, 2029, to June 30, 2031. Only the FY 2029 estimated expenditures are displayed in the timeframe of this fiscal note. This type of rulemaking would include three pre-proposal meetings with webinar and three hearings with webinar, depending on the level of controversy. Goods and services estimates include facility rental costs estimated at \$1,000 per hearing (\$3,000 FY 2030 and \$3,000 FY 2031).

0.25 FTE Environmental Specialist 5 (ES5) in FY 2029, 0.50 FTE FY 2030, and 0.50 FTE FY 2031 to lead and coordinate the rulemaking effort.

0.25 FTE Chemist 4 (Chem4) in FY 2029, 0.50 FTE FY 2030, and 0.50 FTE FY 2031 to be the subject matter expert for the rulemaking process and provide technical assistance.

0.13 FTE Natural Resource Scientist 3 (NRS3) in FY 2029, 0.25 FTE FY 2030, and 0.25 FTE FY 2031 to be the technical lead, advising on rule language and providing technical assistance.

0.13 FTE ES4 in FY 2029, 0.25 FTE FY 2030, and 0.25 FTE FY 2031 to advise on rule language, providing technical assistance, assist with public involvement coordination.

0.05 FTE CC3 in FY 2029, 0.10 FTE FY 2030, and 0.10 FTE FY 2031 to communicate with stakeholders, assist with public involvement coordination.

The following positions would complete an economic and regulatory analysis of the rule: 0.25 FTE Economic Analyst 3 (EA3) in FY 2031; and 0.10 FTE Regulatory Analyst 2 (RA2) in FY 2031.

The AGO has estimated that nominal staff time (approximately 0.01 AAG FTE in FY 2030) would be needed to advise on rule development. Therefore, the AGO estimated no additional costs for AAG assistance.

**SUMMARY:** The expenditure impact to Ecology under this bill is:

Section 2 Public Outreach is estimated to require:  
 FY 2025: \$130,111 and 1.2 FTEs.

Section 2(1) and 2(2) Enforcement is estimated to require:  
 FY 2025: \$44,048 and 0.3 FTEs  
 FY 2026 and ongoing: \$289,769 and 2.4 FTEs

Section 3 Rulemaking is estimated to require:  
 FY 2029: \$123,781 and 0.9 FTEs.  
 FY 2030 and FY 2031 costs are beyond the timeframe of the fiscal note

THE TOTAL EXPENDITURE IMPACT to Ecology under this bill is estimated to be:  
 FY 2025: \$174,159 and 1.4 FTEs  
 FY 2026: \$289,769 and 2.4 FTEs  
 FY 2027: \$289,769 and 2.4 FTEs  
 FY 2028: \$289,769 and 2.4 FTEs  
 FY 2029: \$413,550 and 3.3 FTEs.

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.  
 Benefits are the agency average of 36% of salaries.  
 Goods and Services are the agency average of \$5,224 per direct program FTE.  
 Travel is the agency average of \$1,563 per direct program FTE.  
 Equipment is the agency average of \$1,031 per direct program FTE.  
 Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% of direct program salaries and benefits, and is shown as object 9. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development - Journey.

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
23P-1	Model Toxics Control Operating Account	State	0	174,159	174,159	579,538	703,319
<b>Total \$</b>			0	174,159	174,159	579,538	703,319

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		1.4	0.7	2.4	2.9
A-Salaries and Wages		93,879	93,879	312,222	379,340
B-Employee Benefits		33,797	33,797	112,400	136,563
E-Goods and Other Services		6,530	6,530	21,940	26,119
G-Travel		1,955	1,955	6,566	7,816
J-Capital Outlays		1,290	1,290	4,332	5,158
9-Agency Administrative Overhead		36,708	36,708	122,078	148,323
<b>Total \$</b>	0	174,159	174,159	579,538	703,319

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
CHEMIST 3	82,896				0.3	0.3
CHEMIST 4	96,156		0.3	0.1	0.3	0.4
COMM CONSULTANT 3	66,420		0.5	0.3	0.1	0.1
ENVIRONMENTAL SPEC 4	73,260		0.5	0.3	0.5	0.6
ENVIRONMENTAL SPEC 5	80,952					0.1
FISCAL ANALYST 2			0.1	0.1	0.2	0.3
IT APP DEV-JOURNEY			0.1	0.0	0.1	0.1
NAT RESOURCE SCIENTIST 2	68,076				1.0	1.0
NAT RESOURCE SCIENTIST 3	82,896					0.1
<b>Total FTEs</b>			1.4	0.7	2.4	2.9

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

Section 3 would authorize Ecology to adopt rules as necessary to implement, administer, and enforce this chapter. Ecology assumes rulemaking for a new WAC would be necessary to adopt a lead limit of less than 5 ppm as authorized in section 2(2) if Ecology and DOH determine that a lower limit is feasible and necessary to protect human health. Ecology assumes rulemaking would occur from January 1, 2029, to June 30, 2031.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5605 SB	<b>Title:</b> Lead in cookware	<b>Agency:</b> 468-Environmental and Land Use Hearings Office
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.0	0.0	0.2	0.3
<b>Account</b>					
General Fund-State 001-1	0	0	0	59,513	70,458
<b>Total \$</b>	0	0	0	59,513	70,458

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Greg Vogel	Phone: 360-786-7413	Date: 01/26/2023
Agency Preparation: Dominga Soliz	Phone: 3606649173	Date: 01/27/2023
Agency Approval: Dominga Soliz	Phone: 3606649173	Date: 01/27/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/27/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

SB 5605 aims to reduce lead in cookware.

Section 2—Beginning January 1, 2025, prohibits the manufacture or sale of cookware containing a specified amount of lead.

Section 3 – Authorizes the Department of Ecology to implement, administer, and enforce the act. Violations of the act are subject to a civil penalty not to exceed \$5,000 for a first offense and \$10,000 for repeat offense. Penalties or orders issued under the act may be appealed to the Pollution Control Hearings Board (PCHB).

Section 4 – Amends the PCHB’s jurisdiction statute to include appeals of penalties and orders issued under the act.

Section 5 – Amends the PCHB’s statute to specify that civil penalties imposed under the act must be imposed by written notice describing the violation with reasonable particularity.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

FISCAL IMPACT to the Pollution Control Hearings Board: YES

ELUHO estimates 3 low complexity appeals per year resulting from this bill.

ELUHO assumes ELUHO’s work on these appeals begins in January 2026 (FY 26) following the enforcement process by the Department of Ecology.

ELUHO estimates each appeal resulting from this bill will require approximately 150 hours of Administrative Appeals Judge (AAJ) work to complete (50 pre-hearing hours + 100 hearing and post-hearing hours) x 3 appeals. This estimate is based on a current analysis of AAJ work.

150 hours/appeal x 3 appeals = 450 AAJ hours per FY, ongoing.

Assume New AAJ FTE: The PCHB will need approximately 0.25 FTE for an AAJ with knowledge of environmental law to assist with these new cases, based on the estimated number of AAJ hours per year. RCW 43.21B.005(2) authorizes the ELUHO director to appoint such AAJs to assist the PCHB. The AAJ 0.25 FTE will not serve as a member of the Boards, but will conduct legal research and writing, mediate cases, draft Board memos and materials, and perform other legal duties to assist the Board.

An AAJ makes \$100,000 per year, plus related benefits estimated at \$32,021 per year, at current benefits rates. The agency needs a 0.25 FTE AAJ, so the salary would be \$100,000 x 0.25 FTE = \$25,000, per FY, ongoing. Related benefits would total \$8,005, per FY, ongoing.

Goods and services are estimated at \$1,875 per year, ongoing, and include communications, payroll processing, training, and other staff costs. Estimates include some travel at the low cost per diem rates totaling \$349 per year, ongoing. Also included is one time equipment costs for furniture and computers totaling \$5,557 in FY 26.

Assume no capital budget impact: Currently, ELUHO leases space on the top floor of the State Parks building, Parsons Plaza. We assume we can repurpose space to include the 0.25 FTE if it has a workstation at the ELUHO office. We assume the 0.25 AAJ FTE would be offered the option of working remotely.

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	0	0	59,513	70,458
<b>Total \$</b>			0	0	0	59,513	70,458

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years				0.2	0.3
A-Salaries and Wages				38,000	50,000
B-Employee Benefits				12,168	16,010
C-Professional Service Contracts					
E-Goods and Other Services				3,257	3,750
G-Travel				531	698
J-Capital Outlays				5,557	
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	0	0	59,513	70,458

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Appeals Judge	100,000				0.2	0.3
<b>Total FTEs</b>					0.2	0.3

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*